**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 847 of 1985**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE K.A.PUJ**

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| 1 | Whether Reporters of Local Papers may be allowed to see the judgment ? |
| 2 | To be referred to the Reporter or not ? |
| 3 | Whether their Lordships wish to see the fair copy of the judgment ? |
| 4 | Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? |
| 5 | Whether it is to be circulated to the civil judge ? |

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**KESHUBHAI D DUDHATRA & 3 - Petitioner(s)**
**Versus**
**UNION OF INDIA & 2 - Respondent(s)**

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**Appearance :**
NOTICE SERVED for Petitioner No. 1.

NOTICE UNSERVED for Petitioner Nos. 2 to 4.
RULE SERVED for Respondent(s) : 1,
None for Respondent(s) : 2,
MR UM SHASTRI for Respondent(s) : 3,

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**CORAM : HONOURABLE MR.JUSTICE K.A.PUJ**

**Date : 15/11/2005**

**ORAL JUDGMENT**

1.The petitioners have filed this petition under Article 226 of the Constitution of India praying for direction to the respondents to act in accordance with the policy decision taken by them as per the direction issued by the Railway Board and as per the letter Annexure A written by the General Manager, Western Railway, Bombay on 18.06.1983 and as per the notification issued by the third respondent herein at Annexure B dated 01.07.1983 and to make appointments as per the results declared vide letter No. EC/890/17, dated 21.01.1984. The petitioners have also prayed for the direction to the respondents to make appointments of the petitioners and other persons similarly situated with them as mentioned in letter No. EC/890/17 dated 21.01.1984 to class III posts.

2.The petition was admitted and rule was issued on 20.02.1985. The petition was filed by learned advocate Shri C.K. Tekwani who was later on elevated to the bench of this Court and now to the Hon'ble Supreme Court. Thereafter, fresh rule was issued by this Court on the petitioners. The petitioner No. 1 was already served. However, the other petitioners were not served. The office endorsement shows that notice was duly served on the petitioner No. 1. Since petition was jointly filed by all the four petitioners, petitioner No. 1 has not bothered despite service of notice to inquire about this matter. The matter is of 1985. More than 20 years have gone and still it is pending. It appears to the Court that neither the petitioners nor the respondents are interested in prosecuting this petition. The respondents are already served. Learned

advocate Mr. U.M. Shastri has filed his appearance on behalf of respondent No. 3. Since the petitioners have not filed their appearance through any advocate despite service of notice, the Court is of the view that the petitioners are not interested in prosecuting this matter. The Court, therefore, without going into the merits of the matter disposing of this petition with a liberty to the petitioners to file fresh petition in case of difficulty and if the need so arises.

3. With this clarification, this petition is accordingly disposed of. Rule discharged without any order as to costs.

**[K.A. PUJ, J.]**

**S***avariya*